

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARCUS L. HARRISON,

No. C 07-959 SI (pr)

Plaintiff,

**ORDER REFERRING ACTION TO  
MEDIATION PROGRAM**

v.

OFFICER J. SAMPLE,

Defendant.  
\_\_\_\_\_

Marcus L. Harrison, a California prisoner, filed this pro se civil rights action under 42 U.S.C. § 1983 asserting that correctional officer J. Sample was deliberately indifferent to his serious medical needs in violation of his Eighth Amendment rights. The court granted summary judgment in defendant's favor on May 27, 2008. Harrison appealed. The Ninth Circuit determined that there were genuine issues of fact as to whether Sample was subjectively aware that Harrison was suffering from a medical emergency and responded adequately, and whether Sample was entitled to qualified immunity. The Ninth Circuit reversed the grant of summary judgment, and remanded the case for further proceedings.

The court has a Pro Se Prisoner Mediation Program in which selected prisoner cases with unrepresented plaintiffs are referred to a neutral magistrate judge for mediation proceedings consisting of one or more conferences as determined by the mediator. Now that the Ninth Circuit has determined that there are genuine issues of fact, it appears that this case should be almost ready for trial, so it may be helpful for the parties to consider mediation. Good cause appearing therefor, this case is now referred to Magistrate Judge Vadas for mediation


1 proceedings pursuant to the Pro Se Prisoner Mediation Program. The proceedings will take  
2 place within **90 days** of the date this order is filed. Magistrate Judge Vadas will coordinate a  
3 time and date for a mediation proceeding with all interested parties and/or their representatives  
4 and, within **five days** after the conclusion of the mediation proceedings, file with the court a  
5 report for the prisoner mediation proceedings.

6 The clerk will send to Magistrate Judge Vadas a copy of the complaint, the May 27, 2008  
7 order granting summary judgment, the Ninth Circuit's memorandum disposition (docket # 58),  
8 and this order.

9 Plaintiff has requested the bill of costs form to recover a cost for filing his appeal. The  
10 clerk will send him the requested form.

11 IT IS SO ORDERED.

12 Dated: May 12, 2010

  
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SUSAN ILLSTON  
United States District Judge